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7 MICHAEL A. BRUZZONE,
8 Plaintiff,
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10 v.
11 JAMES MCMANIS, et al.,
12 Defendants.

Case No. 18-cv-01235-PJH

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28 **ORDER DENYING MOTION FOR
RECONSIDERATION AND MOTION
TO VACATE**

Re: Dkt. No. 90, 91

Before the court are two motions filed by plaintiff: (1) a motion seeking “relief from dismissal,” filed pursuant to Federal Rule of Civil Procedure 60(b)(1) and/or Rule 60(b)(3), and (2) a “motion to vacate,” filed pursuant to Rule 60(b)(1), (b)(3), (b)(4), and/or (b)(6). See Dkt. 90, 91. The matters are suitable for decision without oral argument.

On October 31, 2018, this court entered judgment and terminated this case. Dkt. 59. On the same date, the court entered an order imposing pre-filing review. Dkt. 58. The court’s dismissal order set forth the history of plaintiff’s other litigation and the history of this action. See id. at 1-5. The order also “incorporate[d] the factual record and reasoning contained in Judge Alsup’s earlier vexatious-litigant order.” See id. at 12. The court further concluded that “the number of claims Bruzzone has made is inordinate and that those claims were without merit. In addition, the court finds that Bruzzone’s filings show a pattern of harassment, both with respect to the named defendants and the court.” See id. The court further held:

[P]laintiff’s complaints invariably allege numerous claims haphazardly,

1 making it exceedingly difficult for named defendants and the court to
2 identify the bases of Bruzzone's allegations. This order extends the original
3 pre-filing review order in finding that Bruzzone's claims are frivolous,
4 harassing, and brought with no objective good faith expectation of
5 prevailing. This is a flagrant abuse of the judicial process and has enabled
6 Bruzzone to consume a considerable amount of time and resources from
7 everyone involved. Accordingly, this order makes a substantive finding of
8 harassment.

9 The court's dismissal was affirmed by the Ninth Circuit. See Bruzzone v.
10 McManis, 2018 WL 5734546 (N.D. Cal. Oct. 31, 2018), aff'd, 785 F. App'x 503 (9th Cir.
11 2019). Certiorari was denied by the Supreme Court. See 141 S.Ct. 283.

12 Plaintiff has repeatedly attempted to re-litigate his case in this court. In August
13 2022, he filed a motion for "reexamination." See Dkt. 71. The court denied the motion,
14 and specifically stated that "[t]he court will not entertain any motions for reconsideration
15 of this order." See Dkt. 77.

16 Plaintiff then filed a "motion to vacate." See Dkt 85. The court again denied the
17 motion as untimely and as deficient on the merits. See Dkt. 89.

18 As stated above, plaintiff has now filed two motions. Plaintiff's filings are
19 consistent with the pattern of frivolous claims described in this court's prior dismissal
20 order. See Dkt. 58. The court concludes that plaintiff's motion for relief from dismissal
21 (Dkt. 90) and motion to vacate (Dkt. 91) are without merit, and accordingly, the motions
22 are DENIED. The court will not entertain any further motions or requests in this case.
23 Any further filings will be terminated without comment.

24 **IT IS SO ORDERED.**

25 Dated: September 4, 2024

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28 /s/ Phyllis J. Hamilton
29 PHYLLIS J. HAMILTON
30 United States District Judge